

## **Drawings**

The attached sheet (1/3) of drawings includes changes to Fig.1 and Fig. 5. Applicant corrected over-writings on Fig. 1 and double titling and numbering on pages and abbreviated titles for garment and accessory adjacent to Fig. 1 and Fig. 5 were included as to avoid confusion between visually similar elements. The attached sheet (2/3) includes correction to numbering of view. The attached sheet (3/3) includes changes to reference numbers, Fig. 2A-Fig. 2D is corrected and replaced as Fig. 6, Fig. 7, Fig. 8, and Fig. 9.

## **REMARKS**

Claims 1-22 were pending in this application.

Claims 1-22 have been rejected.

Claims 1-22 were rewritten as claims 23-44 in this response.

Consideration of Claims 23-44 is respectfully requested.

Applicant has amended the specification and claims to put this application in full and clear condition for allowance. He has amended the specification editorially to correct those errors by examiner.

Applicant has amended the title to emphasize the novelty. Applicant has amended the drawing as indicated to correct missing reference numbers and to make minor corrections to Figure 1. Also, applicant has rewritten previous claims 1-22 as new Claims 23-44 to define the invention more particularly and distinctly so as to overcome the technical rejections and to define the invention patentably over the prior art.

### **IN THE SPECIFICATION**

An amendment to the specification for corrections as required cited by the office action is attached to comply with the following:

In consideration of MPEP § 608.01(b) applicant deleted the term attachment ~~means to~~ and corrected term attachments used in line 13 of the

abstract of the disclosure.

Other informalities in the Specification are corrected as follows:

(1) The brief description is corrected by limiting terms in the existing brief description and including it's entirety into the detailed description.

(2) The detailed description is corrected on page 11; numeral 11 is now described as "bottom panel" which is corrected consistent with page 12, line 7, numeral 11. Applicant replaced lines on page 11.

(3) On page 11, lines 8-10 from the end is grammatically corrected, applicant replaced with new lines "with the pocket opening formed from unfolding the top panel 13 and adapting the pack while the pocket is also closed from ~~protective garment~~ extra material 23 provided for forming the pocket by folding the pocket flap (23)

(4) On page 13, lines 14-16 from the end is corrected, applicant replaced with new lines starting on page 13, line 8; FIG 5 is a plan view of a four panel ~~article~~ accessory in an open ~~condition~~ position. Alternatively, the ~~extra panel~~-accessory provides overhead cover.

In brief description and detailed description. Corrections to element 27 are replaced as Fig. 5 to further clarify that Fig. 5 constitutes a plurality of panels while element 27 is the top panel of the protective accessory.

## **Information Disclosure Statement**

In the Background of The Invention, applicant deleted paragraphs 2-8 and 12-14 in consideration of MPEP § 609.04(a) and 37 CFR 1.98(b)

## **The claim rejections under § 112**

The Claims 1-22 were Rejected Under § 112 since it was said to fail to particularly point out and distinctly claim the subject matter which applicant regards the invention with respect to whether a pack is intended to have a protective accessory or whether the combination of a pack and accessory is claimed.

The rewritten claim 23 is now corrected with a structure set forth to teach; In combination, a pack formed from a garment having a means for providing combined upper, middle and lower torso body part coverage is combined with a protective accessory having a means providing upper, middle, and lower torso body part protection for outdoor activities An accessory with the appropriate limitations and structure defining the protective accessory is disclosed in applicants Claims 23-44.

While Claims 4 and 8 contained trademark or trade names, claim 4 and claim 8 are cancelled. The double inclusion of an elements in claim 1 & line 5, claim 6, claim 7, claim 9, claim 10, claim12, claim

13, claim 14 claim 15 & line 3, claim 17 & line 2 are corrected in new claims by including an accessory in the structure of claim 23 of the claim amendment. Claim 1 & line 8 the parenthesis and the terms “(securing means)” are not used in the new claims 23-44. Claim 1, last two lines, claim 2, last line, claim 5, claim 6, claim 10 claim 11, claim 12, claim 15, claim 17 & line 2, and claim 18 lacked antecedent basis noted by applicant and proper claim structure are set forth in new rewritten claims 23-44. In claim 4; the term similar was unclear in scope, i.e. the metes and bounds such claim 4 is cancelled. Narrative phrases in claim 9, claim 17, claim 20, and claim 21 respective claims are cancelled. Claim 11, the last three lines were unclear with respect to closure flaps; claim 11 is cancelled. Claim 13 is unclear grammatically; claim 13 is cancelled. Claim 15, it was unclear with respect to the previous element(s) referred to which is corrected by including the accessory previously stated within the structure of claim 23. Claim 20, last line is unclear in meaning; claim 20 is cancelled. Claim 21 is unclear whether additional or alternative materials are being used, claim 21 is cancelled. The rewritten claims 23-44 are now corrected with a structure set forth to properly teach. Applicant respectfully requests reconsideration of this rejection.

## **Claim rejections – 35 USC § 102**

### **Overcome Tilve not providing body part protection**

The new claims overcome the rejection 35 USC § 102 on Tilve.

The office action rejected Claims 1, 3, 5, 8, 12 and 19-22 on Tilve.

Claim 1 rewritten as Claim 23 recites novel physical features as ‘a garment having a plurality of panels providing combined upper, middle and lower torso body part coverage combined with a protective accessory having a plurality of panels providing upper, middle, and lower torso body part protection’. Tilve discloses a pack comprising a sheet having at least three panels adapted and structured to be folded along crease regions, attachments to secure and a waist band and a panel. Also, Tilve is considered capable of protecting contents stored within it. Tilve provides warming features, which are utilized by removing the article and wrapping it around a limb as a neck warmer. The intended use of the applicant’s invention as a protective garment and accessory for body comfort and protection is substantially different than Tilve’s intended use as stated in Tilve’s specification for the purpose of a protective eyeglass receptacle. Tilve doesn’t recognize an upper panel with a means for upper and middle torso body part coverage part coverage nor does Tilve provide or an accessory with a plurality of panels for upper, middle, and lower protection or a combination thereof while worn

on a user. A definite distinction is seen between applicant's invention and Tilve as a protective device and the result of the claimed intended use and purpose of Tilves pack as a protective eyeglass container which provides far different usage as a pack as a protective device than a pack made from garment and a protective accessory for use in outdoor activities for upper, middle, and lower torso body part coverage and protection. Applicant's invention is unlike and unfamiliar to Tilve. Applicant's rewritten claim 23 recite novel protective features of a garment and protective accessory not found in Tilve. Tilve's protective features are limited to protecting articles stored within it such as eyeglasses.

Further, the novel physical features of applicant's invention and Claim 23 are unobvious under §103; The results achieved by the invention and of a combination pack for upper, middle, and lower torso body part coverage and a protective accessory for upper, middle, and lower torso body part protection achieved by applicant's invention are new and unexpected.

Claim 23 defines novel structure of a garment and accessory that produces new and unexpected results, applicant submits that the claims are clearly patentable and foreign to Tilve. Tilve lacks any suggestion that an eyeglass receptacle stated by Tilve in its specification be modified in a manner required to meet applicant's claims as a garment and protective accessory.

The office action stated that Tilve is considered to be the size to serve as a seat, padding or insulation when unfolded but it is not stated or inferred in Tilve's specification. Tilve does not teach what the examiner relies upon it as supposedly teaching. Applicant's invention solves a different problem than Tilve, and such different problem is recited in applicants' claims. In Wright, 6 USPQ 2d 1959 (1988). The problem solved by applicant's invention was never before even recognized, a garment for combined upper, middle, and lower torso body part coverage and a protective accessory for upper, middle and lower torso body part protection, or combination thereof concealed within the interior surfaces of a pack. Up to now those skilled in the art never appreciated the advantage of the applicant's invention although it is inherent. Applicant respectfully requests reconsideration of this rejection.

**Overcome Netz comfort features is limited to seating and a hand warmer**

The new Claims, 23-45 overcome the rejection 35 USC § 102 on Netz  
The office action rejected Claims 1, 3, 5, 8, 10, 12 and 19-22 on Netz  
Netz discloses a pack comprising a sheet having at least three panels adapted and structured to be folded along crease regions, attachments to secure and a waist band and a panel with Netz is considered to be

the size to serve as a seat, padding or insulation when unfolded. Also, Netz provides a hand warmer and Netz is considered capable of protecting contents stored within it. The results of applicant's invention of a combination pack for combined upper, middle and lower torso body part coverage and protection is substantially different than Netz intended use as stated in its specification for the purpose of a seat cushion and hand warmer. The applicant's claims recite novel protective features and hardware not found in Netz as a garment and protective accessory and a top panel for upper torso coverage and an accessory for upper, middle, and lower torso body part protection or a combination thereof. Also, Netz protective features are limited to either a seat cushion or a hand warmer. Claim 23 recites novel protective features having a plurality of panels for a garment and a protective accessory not found in Netz. The results achieved by the invention and of a combination pack for upper, middle, and lower torso body part coverage and a protective accessory for upper, middle, and lower torso body part protection concealed in a pack achieved by applicant's invention are new and unexpected. Since the rewritten claim 23 defines novel structure that produces new and unexpected results, applicant submits the invention is clearly patentable over Netz. Netz lacks any suggestion a muffler to seat warmer be modified in a manner required to provide a

garment with a top panel for upper torso body part coverage and protective accessory with a plurality panels to meet applicants claims of upper, middle, and lower torso body part protection or a combination thereof. Up to now those skilled in the art never appreciated the advantage of the applicant's invention although it is inherent.

Applicant's invention solves a different problem than Netz and such different problem is recited in applicants' claim 23. The applicant's claims 23 discuss a garment coverage and a protective accessory not set forth in, particularly a top panel for upper torso body part coverage. Netz doesn't discuss a protective accessory with one or a plurality of panels that are concealed in a pack and that are important for safety and convenience in many outdoor extreme sports. The problem solved by the invention was never before even recognized, a garment for combined upper, middle, and lower torso body part coverage and protective accessory for upper, middle and lower torso body part protection, or combination thereof, concealed within interior surfaces of a pack. Netz protective means is limited to seating convertible to a hand warmer and doesn't show applicant's invention.

Applicant respectfully requests reconsideration of this rejection.

**Overcome Ross protection features of heater pouch**

Applicant's new rewritten claim 23 overcomes the rejection 35 USC § 102 on Ross. The office action rejected Claims 1-5, 8, 10 and 12-22 under § 102 as being anticipated by Ross. Ross discloses a chemical heater pouch. The rewritten claims 23 and the results of a combination pack with a garment and protective accessory for coverage and protection for upper, middle, and lower torso body part coverage and protection is substantially different than Ross intended use as stated in its specification for the purpose of a body warming device and a heater pouch for containing a chemical heat pack activated by air to warm the hands or for purpose of placing heat pack against the users skin. The applicant's rewritten claim 23 recite novel protective features of a garment and protective accessory not found in Ross. Ross protective features are limited to a heater pack provided in a heater pouch. Ross' teaching of body warming is provided removing the article and 'wrapping it around the neck or other limb', as stated in Ross specification teaches away from applicant's invention of a combination pack, which utilizes coverage and protective features while worn upon a user. Ross doesn't state or infer a bottom panel for a seat cushion and a top, middle, and lower panel for upper, middle, and lower torso body part coverage. In addition, Ross does not disclose a top, middle, and lower panel for a combination of upper, middle, and lower torso body part protection or a

combination thereof provided with a protective accessory.

Applicant's claims 23 recite novel protective features not found in Ross and a definite distinction exists for providing a pack and protective device. Since the claims define novel structure of a garment and protective accessory that produces new and unexpected results, applicant submits that applicants claims are clearly patentable under 35 USC § 102 and § 103. The novel hardware and features achieved by the applicant's invention are new and unexpected.

Ross lacks any suggestion that Ross's chemical heat pack be modified in a manner required to meet the claims of a garment and protective accessory. Up to now those skilled in the art never appreciated the advantage of the invention although it is inherent. Applicant's invention solves a different problem than Ross, and such different problem is recited in applicants' claims. In Wright, 6 USPQ 2d 1959 (1988) region. Ross doesn't state an accessory intended to have features to protect a person's combined upper, middle and lower body parts protection concealed in a pack made from a garment. The problem solved by the invention was never before even recognized; a garment for combined upper, middle, and lower torso body part coverage and a protective accessory for upper, middle and lower torso protection, or combination thereof concealed within interior surfaces of a

pack. Such protection is important as safety measures, comfort, and convenience to those involved in extreme sports. Applicant respectfully requests reconsideration of this rejection.

### **Overcome Holland's small tool bit carrier pack**

The new Claim 23 overcome the claims 1,2,4,5,8,10 and 12-22 rejection under 35 USC § 102 on Holland stated by office action. Holland discloses a small tool pack for carrying and accessing small tools and bits. The carrier includes a closure flap or panel and a number of article holding panels with panels preferably stitched together between spaced apart stiffeners.

The results of applicant's combination pack for coverage and protection in applicant's rewritten claim 23 of a garment and protective accessory for comfort and protection for upper, middle, and lower torso body part coverage and protection is substantially different than Holland intended use as stated in its specification for the purpose by providing a tool carrier that is capable of being mounted upon to a persons belt or other object in more than one way and convenient close at hand access to the contents of the pouch, particularly small tool bits.

The applicant's claims recite novel protective features of a garment and protective accessory not found in Holland. Holland doesn't contain a

garment for coverage combined with a protective accessory. In addition, Holland does not disclose top, middle, and bottom panels for upper, middle, and lower torso body part coverage or combination thereof nor does it provide a panel(s) for upper, middle, and lower torso body part coverage.

The novel hardware and features achieved by the invention are new and unexpected, since the claims define novel structure that produces new and unexpected results, applicant submits that such claims are clearly patentable under § 102 and § 103; Holland lacks any suggestion that Holland's small tool bit carrier be modified in a manner required to meet the applicant's claims as a garment and protective accessory. Holland doesn't state an garment for combined upper, middle and lower torso body part coverage and accessory intended to have features to protect a upper, middle, and lower torso body part protection or combination thereof. The problem solved by the invention was never before even recognized, a garment for combined upper, middle, and lower torso body part coverage and protective accessory for upper, middle and lower torso body part protection concealed within the interior surfaces of a pack. Applicant's invention offers convenience and protection that is important as safety measures and comfort to those involved in extreme sports. Up to now those skilled in the art never appreciated the advantage of the applicant's invention although it is inherent.

Applicant respectfully requests reconsideration of this rejection.

**The novel features of claim 23 produce new and unexpected results and hence are unobvious and patentable over these references under § 103**

Also, applicant submits that the novel physical features of claim 23 are also unobvious and hence patentable under § 103 since they produce new and unexpected results over Tilve, Netz, Ross, Holland, Angus, Spero or any combination thereof. These new and unexpected results are the ability of the applicant's invention to combine a garment for upper, middle, and lower coverage as well a seat and hand warmer combination. In addition, an accessory is provided to protect a person's combined upper, middle, and lower torso body parts. Tilve, Netz, Ross, Holland, Angus and Spero or any combination thereof does not show, recognize or recognize a garment with a plurality panels for combined upper, middle, and lower torso coverage body part coverage and a protective accessory with a plurality of panels for upper, middle, and lower torso body part protection concealed on the interior surface of a pack.

**Overcome rejections § 103 over Tilve disclosing lateral side edges of**

Office action rejected Claims 6 and 9 under § 103 over Tilve.

Applicants rewritten claims 23 overcome Tilve disclosing lateral side edges of pack. The rejection of claims 6 and 9 by office action are overcome as rewritten Claim 23 disclosing novelty over Tilve under § 102 , as stated

above and as stated in applicant's claim 23. Tilve doesn't disclose a protective accessory and doesn't contain applicant's novel hardware, further, applicant's invention serves a different purpose than Tilve and a definite distinction exists between Tilve and Applicant invention purpose as a pack and protective device. Arcuate edges are now claimed for applicant's garment and accessory in Claim 23 including a garment and protective accessory and Claim 44 stating arcuate edges for both which are unknown to Tilve. Since Tilve is dissimilar to applicants invention by applicants rewritten claim 44 of arcuate edges on the garment accessory Claim 23, applicant's invention is certainly unobvious by use of arcuate edges since Tilve doesn't even recognize a garment protective accessory and panels for upper, middle, and lower torso body part coverage and protection to utilize it's lateral side edges upon. The novel physical features of applicant's invention of Claim 23 and applicant's use of arcuate edges in the folds of his garment and accessory are certainly unobvious under §103. The results of a combination pack for combined upper, middle and lower torso and body part coverage and a protective accessory for upper, middle, and lower torso body part protection achieved by applicant's invention are new and unexpected. Since claim 23 defines novel structure that produces new and unexpected results, applicant submits that the claims are clearly patentable

and foreign to Tilve. Tilve lacks any suggestion that an eyeglass receptacle stated by Tilve in its specification be modified in a manner required to meet applicant's claims as a garment and protective accessory. Applicant's invention solves a different problem than Tilve, and such different problem is recited in applicants' claims. In Wright, 6 USPQ 2d 1959 (1988). The problem solved by the invention was never before even recognized, a garment for combined upper, middle, and lower torso body part coverage and a protective accessory for upper, middle and lower torso protection concealed within interior surfaces of a pack. Applicant respectfully requests reconsideration of this rejection.

**Overcome Tilve, Holland et al, Netz or Ross each in view of Angus et al.**

Office action rejected Claim 9, as best understood by office action paragraph 5, Applicant's rewritten claim 23 overcome the rejections of claim 9 applicant's pack contains structure and hardware as stated above as a garment and protective accessory that is novel under § 102 to each Tilve, Holland, Netz, Ross as stated above. Angus discloses a waist pack that provides moisture wicking materials and structure and breathable compartments. The Angus' waist pouch made from neoprene or other stretchy must be combined with a fabric of breathable mesh materials so that the main pouch and pack remains breathable and cool by wicking

moisture and allowing airflow which is the purpose of the Angus pouch, to provide a cooler pack. A definite distinction exists between Angus and applicant's rewritten Claim 23 disclosing a garment for combined upper, middle and lower torso body part coverage and an protective accessory for upper, middle, and lower torso body part protection than a moisture wicking pack. Applicant's rewritten claims 23 and the results of a combination pack, garment and protective accessory for upper, middle, and lower torso body part coverage and protection is substantially different than Angus' intended use, as stated in its specification, for the purpose of a moisture and sweat wicking waist pouch. The applicant's rewritten claim 23 recites novel protective features utilizing panels for a garment and protective accessory not found in Angus. Angus teaching of body cooling is provided, as stated in Angus specification teaches away from applicant's invention of a combination pack made of a garment and a protective accessory. Angus doesn't state a garment top, middle, and bottom panels for upper, middle and lower torso body part coverage. In addition, Angus does not disclose a top, middle, and bottom panel for a combined of upper, middle, and lower torso body part protection or a combination thereof provided with a protective accessory.

Applicant's claims 23 recite novel protective features not found in Angus

and a with definite distinction and purpose for providing a pack and protective device. The novel hardware and features achieved by the applicant's invention are new and unexpected.

Since the claim 23 define novel structure of a garment and protective accessory that produces new and unexpected results, applicant submits that applicants claims are clearly patentable over Angus under § 103.

Angus lacks any suggestion that Angus moisture wicking pack be modified in a manner required to meet the claims of a garment and protective accessory. Up to now those skilled in the art never appreciated the advantage of the invention although it is inherent. Applicant's invention solves a different problem than Angus, and such different problem is recited in applicants' claims. In Wright, 6 USPQ 2d 1959 (1988) region. Angus doesn't state an accessory intended to have features to protect a person's combined upper, middle and lower body parts protection concealed in a pack made from a garment. Applicants rewritten claims overcome Tilve, Holland et al, Netz or Ross each in view of Angus et al. disclosing a pack made with nylon or neoprene outer layers. The rejection of claim 9 is respectfully overcome in applicant's rewritten claim 23 comprising a garment and a protective accessory.

Applicant's invention and features, are novel to Tilve, Holland, Netz, Ross

and Angus or a combination thereof, references of which do not disclose a protective accessory and doesn't contain applicant's novel hardware, further, applicant's invention serves a different purpose for a protective device and a certain distinction is seen between applicant's and prior defining a pack as a protective device. Holland, Netz, Ross and Angus are dissimilar to applicant's invention by applicants rewritten claims 23 thus a dependent claim 9 therefore utilizing neoprene with a thin fabric or any other desirable material for that matter is certainly unobvious. The novel physical features of claim 23 produce new and unexpected results and hence are unobvious and patentable over Holland, Netz, Ross, and Angus.

The problem solved by the invention was never before even recognized, a garment for combined upper, middle, and lower torso body part coverage and protective accessory for upper, middle and lower torso protection, or combination thereof concealed within interior surfaces of a pack.

Each reference, Holland, Netz, Ross, & Angus is complete and functional in itself, so there would be no reason to use parts from or add or substitute parts to any reference. Holland, Netz, Ross, and Angus do not contain any suggestion (expressed or implied) that they be combined. The references would not meet the applicant's claim 23 of a pack with a garment and

protective accessory whether or not it includes neoprene and another fabric

Applicant respectfully requests reconsideration of this rejection.

**Overcome inner pocket flap of Ross in view of Spero**

Office action rejected Claim 11 under § 103 over Ross in view of Spero.

Applicant's rewritten claim 23 overcome Spero's teaching that it is known to make an inner pocket in pack with a closure flap. Spero discloses a diaper bag worn upon the shoulder to enable a user to access articles while carrying a baby. The applicant's claim 23 recite novel protective features of top, middle, and bottom panels for both garment and protective accessory for upper, middle, and lower torso body part coverage and protection not found in Spero. The results of the applicant's rewritten Claim 23, a combination pack with a garment for coverage for upper, middle, lower torso body part coverage and an accessory for protection is substantially different than Spero's intended use as stated in its specification for the purpose of a diaper bag carried upon the user with a shoulder strap. Spero doesn't disclose a garment and protective accessory worn upon the waist. Spero teaches that it is known to make an inner pocket with a closure flap. The pocket closure is utilized while the article is worn around the shoulder with a strap. Spero's specification teaches away from applicant's invention of a combination pack with a garment and protective accessory, which utilizes comfort and

protective features while worn upon a user's waist. Spero doesn't state or infer a seat cushion. In addition, Spero does not disclose a pack or a garment for upper, middle, and lower torso coverage nor a protective accessory providing upper, middle, and lower protection or a combination thereof. Applicant's claims 23 recite novel protective features of a garment and protective accessory not found in Spero's diaper bag. The novel hardware and features of a garment and protective accessory achieved by the applicant's invention are new and unexpected. The claims define novel structure of a garment and protective accessory that produces new and unexpected results, applicant submits that such claims are clearly patentable under 35 USC § 102 and unobvious under § 103; Spero lacks any suggestion that Spero's diaper bag be modified in a manner required to meet the applicant's claims and results of a garment and protective accessory upper, middle, and lower torso body coverage and protection. Up to now those skilled in the art never appreciated the advantage of the invention although it is inherent.

Applicant's invention solves a different problem of a protective pack a than Spero problem of handling a baby and a diaper bag and such different problem is recited in applicants' claims. In Wright, 6 USPQ 2d 1959 (1988) region. Spero doesn't state a garment and a accessory intended to have

features to cover and protect upper, middle, and lower torso body parts while the accessory is concealed in a pack made from a garment. Such protection is important as safety measures and a convenience to those involved in extreme sports. Ross discloses a heater pouch that is unlike applicant's invention and rewritten claim 23 comprising a garment and protective accessory.

Applicant's rewritten claim 23 is novel under § 102 and contain distinctive hardware, features and a different purpose than Ross as stated above.

Applicant overcomes rejections under § 103 applicant submits that a cover flap on the inner pocket on the applicant's invention is clearly novel and unobvious under § 103 over Ross in view of Spero. Ross and Spero do not contain any suggestion (express or implied) that they be combined in the manner suggested. Each reference, Ross and Spero is complete and functional in itself, so there would be no reason to use parts from or add or substitute parts to any reference. Even if Ross and Spero are combined the references would not meet the applicant's Claim 23 of a pack with a garment and protective accessory whether or not it includes a cover flap on the inner pocket. The novel physical features of claim 23 produce new and unexpected results and hence are unobvious and patentable over Ross in view of Spero. Applicant respectfully request reconsideration for this

rejection.

**The Dependent claims are Fortiori Patentable Over Tilve, Netz, Ross, Holland, & Spero**

New Dependent Claims 24-44 incorporate all the subject matter of Claim 23 and add additional subject matter which makes them fortiori and independently patentable over these references.

Claim 24 additionally recites, ‘garment top panel is partially folded or lengthened provides said means for providing combined upper, middle and lower torso body part coverage as a waist warmer or padding and a kidney warmer or padding’. This is entirely foreign to Tilve, Netz, Ross, Holland, Spero or Angus, or any combination thereof since as stated, the panels for hardware and features of these references do not provide the results of upper, middle, and lower torso body part coverage expressly stated in Claim 24.

Claim 25 additionally recites, ‘garment top panel is partially folded or lengthened provides said means for providing combined upper, middle and lower torso body part coverage as a waist warmer and padding, kidney warmer and padding, and back warmer and padding’. This is entirely foreign to Tilve, Netz, Ross, Holland, Spero or Angus, or any combination thereof since as stated the panels of these

references do not provide the results of upper, middle, and lower torso body part coverage and body protection of an accessory expressly stated in Claim 25.

Claim 26 additionally recites, ‘garment top panel is partially folded or lengthened provides said means for providing combined upper, middle and lower torso body part coverage as a waist warmer and padding, kidney warmer and padding, back warmer and padding, or overhead cover’.

This is entirely foreign to Tilve, Netz, Ross, Holland, Spero or Angus, or any combination thereof since as stated, the panels of these references do not provide the results of upper, middle, and lower torso body part coverage expressly stated in Claim 26.

Claim 27 additionally recites, ‘accessory top panel is partially folded or lengthened provides said means for providing upper, middle and lower torso body part protection as a waist guard and kidney guard’. This is entirely foreign to Tilve, Netz, Ross, Holland, Spero or Angus, or any combination thereof since as stated, the panels of these references do not provide the results of upper, middle, and lower torso body part coverage expressly stated in Claim 27 .

Claim 28 additionally recites, ‘accessory top panel is partially folded or lengthened provides said means for providing upper or middle and lower

torso body part protection for a waist guard, kidney guard, and spine protector'. This is entirely foreign to Tilve, Netz, Ross, Holland, Spero or Angus, or any combination thereof since as stated, the panels of these references do not provide the results of upper, middle, and lower torso body part coverage expressly stated in Claim 28.

Claim 29 additionally recites, 'accessory top panel is partially folded or lengthened said means for providing upper, middle and lower torso body part protection as a waist guard, kidney guard, spine protector, and back guard'. This is entirely foreign to Tilve, Netz, Ross, Holland, Spero or Angus, or any combination thereof since as stated, the panels of these references do not provide the results of upper, middle, and lower torso body part protection expressly stated in Claim 29.

Claim 30 additionally recites, 'garment middle panel provides said means for providing combined upper, middle and lower torso body part coverage as a waist warmer and padding, stomach warmer and padding and kidney warmer and padding'. This is entirely foreign to Tilve, Netz, Ross, Holland, Spero or Angus, or any combination thereof since as stated, the panels of these references do not provide the results of upper, middle, and lower torso body part coverage expressly stated in Claim 30

Claim 31 additionally recites, 'accessory middle panel provides said means

for providing upper, middle, and lower torso body part protection as a waist guard, kidney guard or tailbone guard'. This is entirely foreign to Tilve, Netz, Ross, Holland, Spero or Angus, or any combination thereof since as stated, the panels of these references do not provide the results of upper, middle, and lower torso body part protection expressly stated in Claim 31.

Claim 32 additionally recites, 'garment bottom panel is partially folded or lengthened provides said means for providing combined upper, middle and lower torso body part coverage as a buttock warmer or padding and tailbone warmer or padding'. This is entirely foreign to Tilve, Netz, Ross, Holland, Spero or Angus, or any combination thereof since as stated, the panels of these references do not provide the results of upper, middle, and lower torso body part coverage expressly stated in Claim 32.

Claim 33 additionally recites, 'garment bottom panel is partially folded or lengthened provides said means for providing combined upper, middle and lower torso body part coverage as a seat cushion, tailbone padding, and a kneeling cushion'. This is entirely foreign to Tilve, Netz, Ross, Holland, Spero or Angus, or any combination thereof since as stated, the panels of these references do not provide the results of upper, middle, and lower torso body part coverage expressly stated in Claim 33.

Claim 34 additionally recites, 'garment bottom panel is partially folded or lengthened provides means for providing combined upper, middle and lower torso body part coverage as a seat padding, a kneeling cushion and a ground cover'. This is entirely foreign to Tilve, Netz, Ross, Holland, Spero or Angus, or any combination thereof since as stated, the panels of these references do not provide the results of upper, middle, and lower torso body part coverage expressly stated in Claim 34.

Claim 35 additionally recites, 'protective accessory bottom panel is partially folded or lengthened provides said means for providing upper, middle, and lower torso body part protection as a tailbone guard and buttock guard'. This is entirely foreign to Tilve, Netz, Ross, Holland, Spero or Angus, or any combination thereof since as stated, the panels of these references do not provide the results of upper, middle, and lower torso body part protection expressly stated in Claim 35.

Claim 36 additionally recites, 'protective accessory bottom panel is partially folded or lengthened provides said means for providing upper, middle, and lower torso body part protection as a tailbone guard, buttock guard, and leg guard'. This is entirely foreign to Tilve, Netz, Ross, Holland, Spero or Angus, or any combination thereof since as stated, the panels of these references do not provide the results of upper, middle, and lower torso body

part protection as expressly stated in Claim 36

Claim 37 additionally recites, ‘garment fabric is flexible and water-resistant rubber neoprene with fabric on side of sheet(s), woven nylon or heat-resistant textiles’. This is entirely foreign to Tilve, Netz, Ross, Holland, Spero or Angus, or any combination thereof since as stated, the panels of these references do not provide the results of upper, middle, and lower torso body part coverage as expressly stated in Claim 37.

Claim 38 additionally recites, ‘protective accessory material is polyethylene plastic, polyethylene foam, urethane foam, rubber, neoprene or leather’. This is entirely foreign to Tilve, Netz, Ross, Holland, Spero or Angus, or any combination thereof since as stated, the panels of these references do not provide the results of upper, middle, and lower torso protection as expressly stated in Claim 38.

Claim 39 additionally recites, ‘said garment and said accessory pocket is attached to a middle panel with lateral opening near to and substantially parallel to the crease between the top panel and the middle panel whereby providing a hand warmer in partially folded or lengthened positions’. This is entirely foreign to Tilve, Netz, Ross, Holland, Spero or Angus, or any combination thereof since as stated, the panels of these references do not provide the results of upper, middle, and lower torso body

part coverage or protection as expressly stated in Claim 39.

Claim 40 additionally recites, ‘garment and accessory securing means fixed to at least two of said panels secure the said panels together are textile-loop attachments and buttons’. This is entirely foreign to Tilve, Netz, Ross, Holland, Spero or Angus, or any combination thereof since as stated, the panels of these references do not provide the results of upper, middle, and lower torso body part coverage or protection as expressly stated in Claim 40.

Claim 41 additionally recites, ‘means for attaching said sheet of said accessory said material at said predetermined and sandwiched positions upon said sheet of fabric are buttons and textile-loop attachments. This is entirely foreign to Tilve, Netz, Ross, Holland, Spero or Angus, or any combination thereof since as stated, the panels of these references do not provide the results of upper, middle, and lower torso body part coverage or protection as expressly stated in Claim 41.

Claim 42 additionally recites, ‘means for attaching said accessory said sheet of material at said predetermined positions upon said sheet of fabric are flexible straps whereby providing removable protective accessories while maintaining elasticity with said fabric of said garment while providing said protective accessory’. This is entirely foreign to Tilve, Netz, Ross, Holland,

Spero or Angus, or any combination thereof since as stated, the panels of these references do not provide the results of upper, middle, and lower torso body part coverage or protection as expressly stated in Claim 42.

Claim 43 additionally recites, ‘garment having a exterior surface while unfolded with said means for attaching said protective device at said predetermined positions upon parameters of a exterior surface whereby further lengthening protective protection to a said person. This is entirely foreign to Tilve, Netz, Ross, Holland, Spero or Angus, or any combination thereof since as stated, the panels of these references do not provide the results of upper, middle, and lower torso body part coverage or protection as expressly stated in Claim 43.

Claim 44 additionally recites, ‘garment and accessory said panels are structured and adapted to be folded along transverse crease regions have concave and arcuate edges between panels with the shape of the opposed edges providing a region of reduced transverse dimension along it’s folding creases whereby with said garment; lessening weight, decreasing ripping as with angled cuts meeting at a point, eliminating snagging and unnecessary bending of excessive material and whereby with said accessory allowing said panels to fold along said transverse crease regions by removing material in the crease regions

significant if said accessory is made from substantially rigid or dense material'. This is entirely foreign to Tilve, Netz, Ross, Holland, Spero or Angus, or any combination thereof since as stated, the panels of these references do not provide the results of upper, middle, and lower torso body part coverage or protection as expressly stated in Claim 44.

### **Non-applied References**

Several references were cited in office action but not applied against any of applicants claim, namely Rhodes, Domingos, Bryden, Brinkman, Delligatti, Hargreaves, & Williams as well as a foreign patent, 2104774. Applicant reviewed references but it doesn't show the invention or render it obvious.

### **Reference Angus ineffective due to Applicant's prior filing**

Applicant filed Provisional Application No. 60/395,121 on July 11, 2002 prior to Angus cited by office action therefore applicant has an earlier filing P.P.A. rendering Angus ineffective.

### **Conditional Request for Constructive Assistance**

Applicant has amended the specification and claims of this application so that they are proper, definite, and novel structure, which is also unobvious. If, for any reason this application is not believed to be in full condition for

allowance, applicant respectfully request the constructive assistance and suggestions of the examiner pursuant to M.P.E.P. § 2173.02 and § 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

**Conclusion:**

For all the above reasons, applicant submits that the specification and claims are now in proper form; the errors in the specification are corrected, the claims comply with section 112, the claims define over prior art under Section 102, and a definite distinction and novelty exists for applicants invention. In combination, a pack is formed from a garment having plurality of panels for providing combined upper, middle and lower torso body part coverage combined with a protective accessory having a panel(s) providing upper, middle and lower torso body part protection concealed in the pack. The claimed distinctions are of patentable merit under Section 103 over all prior art because the results of a protective pack for coverage and protection to upper, middle, and lower coverage are new and unexpected. Accordingly, applicant submits that this application is now in condition for allowance, which action he respectfully solicits.



Very respectfully,

Daniel R. Stewart  
Applicant

Application Number 10/618,124

Enc: 3 New Sheets; 1/3, 2/3 and 3/3 of drawings as well as copies of sheets  
are marked in red to indicate corrections.

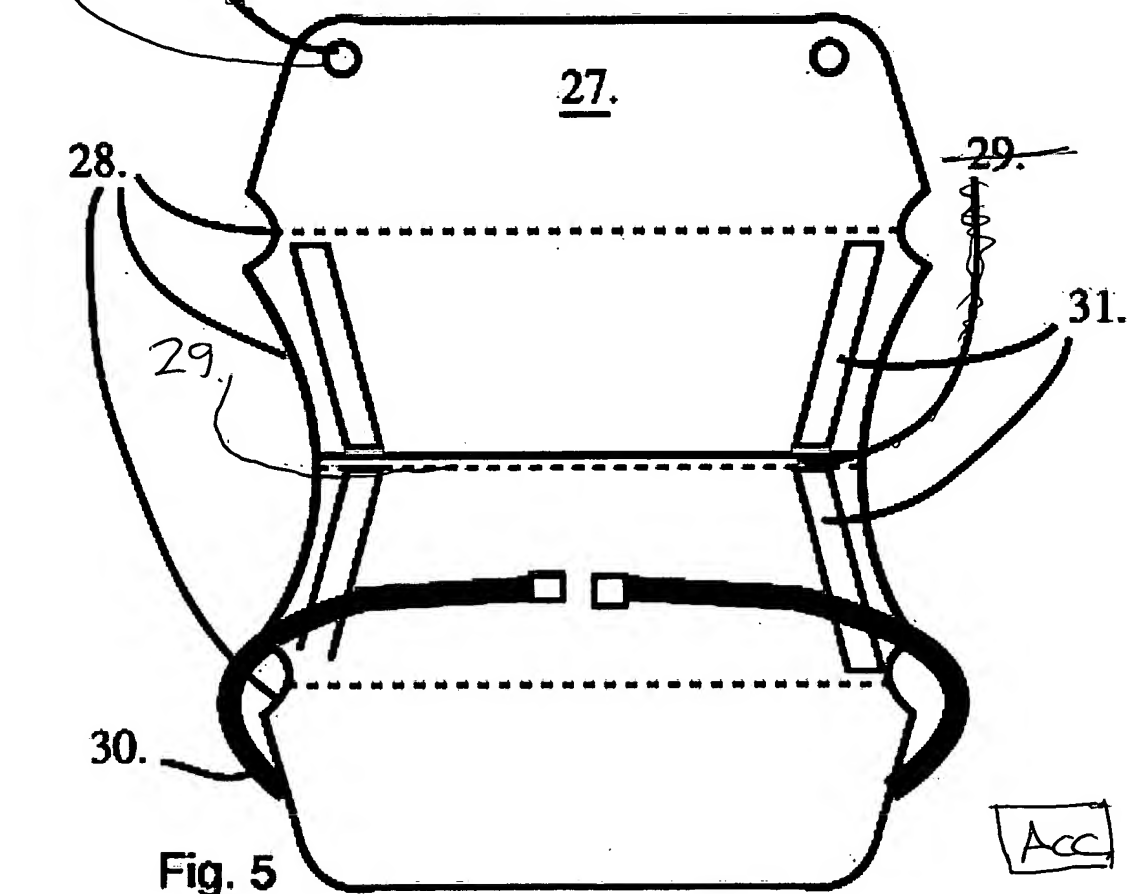
Daniel R. Stewart  
817 Simondi Ave.  
Salt Lake City, UT 84116  
Tel. (801) 673-1683

March 14, 2006

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~~Figure 1.~~

Fig. 2

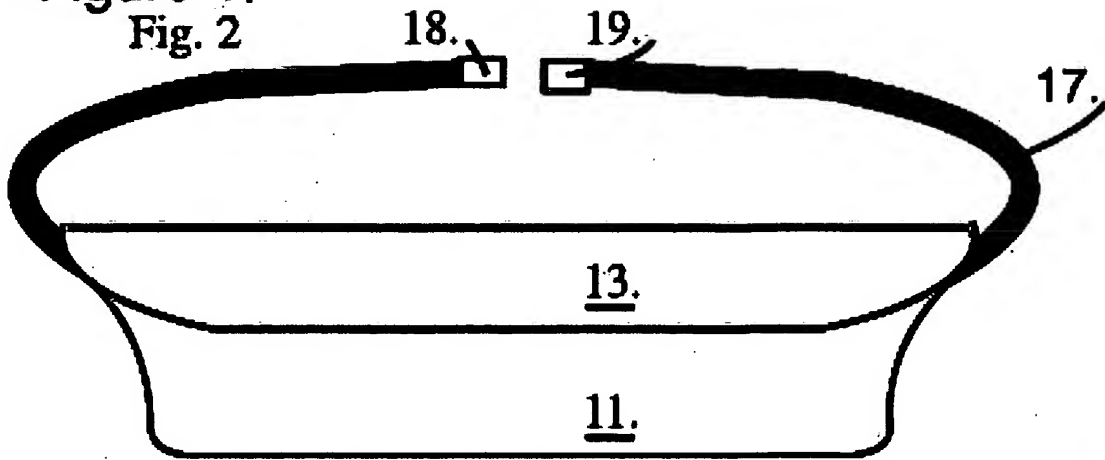


Fig. 3

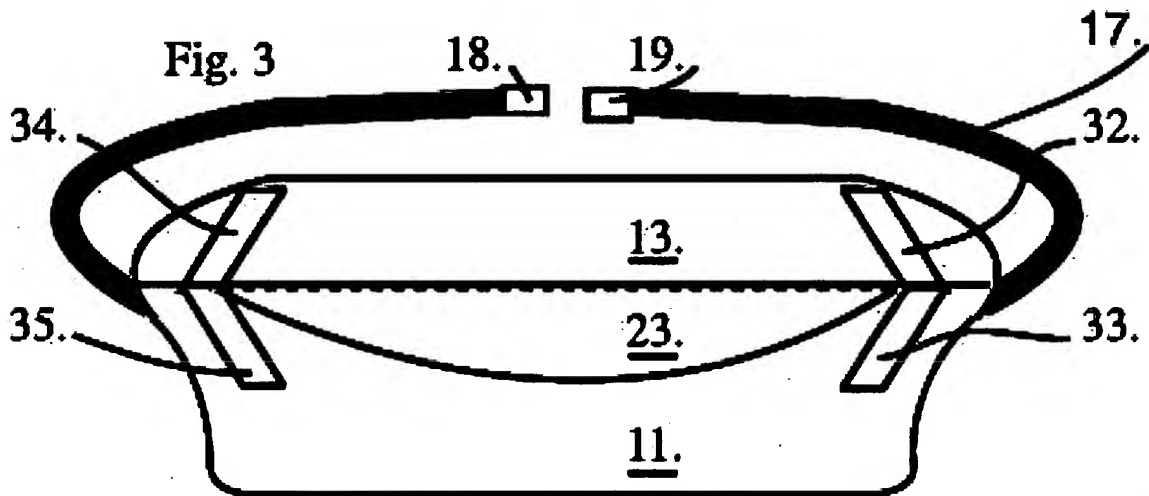
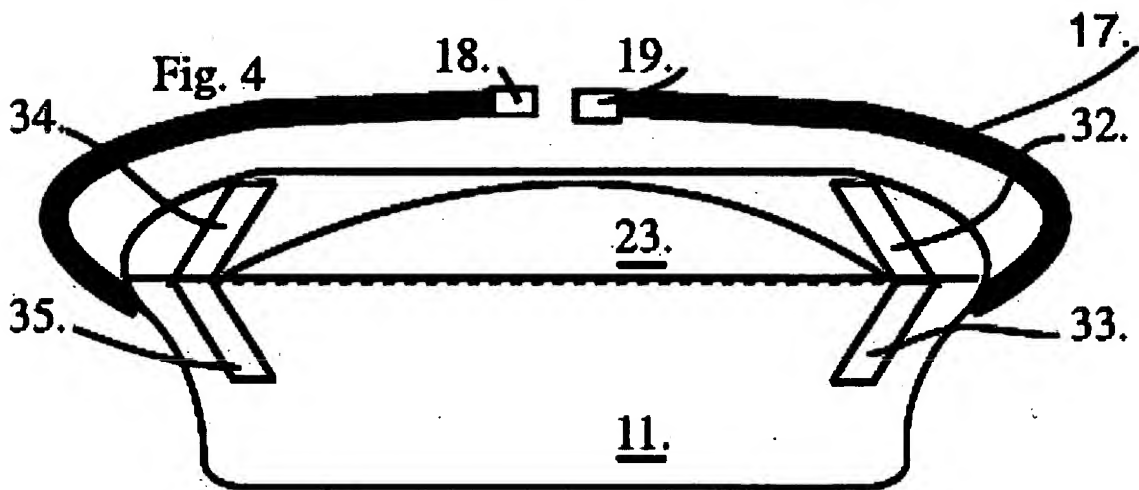
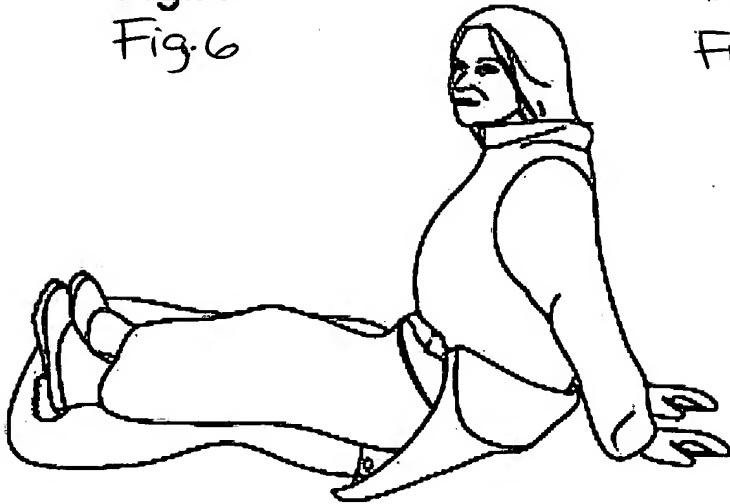


Fig. 4



~~Figure 2.~~

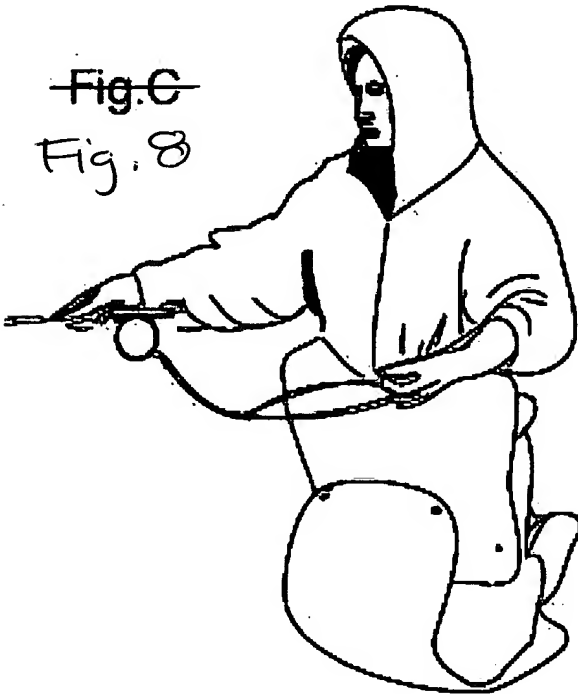
~~Fig.A~~  
Fig.6



~~Fig.B~~  
Fig.7



~~Fig.C~~  
Fig.8



~~Fig.D~~  
Fig.9

